

SUBJECT: Pursuit of Motor Vehicles	NUMBER: 2-4.01
EFFECTIVE DATE:	REVIEW DATE:
NMMLEPSC STANDARDS: OPR.01.09	APPROVED: Sheriff

I. POLICY

It is the policy of this Department to initiate a vehicular pursuit only when an deputy has reasonable grounds to believe that the offender(s) have committed, or are attempting to commit a crime for which the necessity for immediate apprehension outweighs the level of danger created by the pursuit, the deputy has a reasonable belief that the offender(s) has or is committing a violent felony.

Deputies involved in pursuits must continually question whether the seriousness of the crime(s) reasonably warrants continuation of the pursuit. At any time during a pursuit when an deputy or supervisor determines the danger to the public or deputy outweighs the need for immediate apprehension, the deputy will immediately discontinue the pursuit. The decision of a deputy or supervisor to terminate a pursuit for safety considerations is not subject to discipline.

NMSA 1978 section (66-7-6) authorizes emergency vehicles to deviate from the adherence to state traffic laws. This section does not relieve the driver of an authorized emergency vehicle from the duty to comply with all Departmental policies and to exercise prudence and judgment.

II. DEFINITIONS

A. Motor Vehicle Pursuit

A motor vehicle pursuit is an active attempt by a law enforcement deputy, operating a departmental vehicle, and utilizing all emergency equipment simultaneously, to apprehend one or more occupants of another moving vehicle, when it is reasonably apparent that the driver of that vehicle is aware of the attempt and is resisting apprehension by increasing speed above the posted speed limit, disobeying traffic laws, or attempting to elude the deputy through evasive maneuvers or tactics.

B. Initiating / Primary Unit

The unit that initiates a pursuit or any other unit that assumes the lead position.

C. Marked Unit

A police vehicle equipped with a roof mounted light bar, siren, and authorized police vehicle insignia. These elements must be present for a vehicle to be considered a marked unit.

D. Supervisor

For the purpose of this section, “supervisor” will include only on-duty supervisors.

E. Violent Felony

Violent felonies for the purpose of this section include, homicide, criminal sexual penetration, armed robbery, kidnapping / false imprisonment, felony aggravated battery inflicting great bodily harm, and aggravated assault with a firearm.

III. RULES AND PROCEDURES

A. Initiating / Primary Pursuit

1. Engaging in a pursuit requires a conscious weighing of the risk of harm should the offender(s) escape against the risk of harm posed by the vehicle pursuit itself. As the pursuit progresses the deputies will evaluate the circumstances and any additional information that becomes apparent.
2. Prior to making a decision to initiate a pursuit, the deputy shall consider the following factors:
 - a) The nature of the crime for which the pursuit is being initiated.
 - b) The current driving behavior being exhibited by the offender(s)
 - c) The time of day, road, weather, and vehicle conditions.
 - d) The risk of the pursuit itself.
 - e) The likelihood that the offender(s) could be apprehended otherwise.
 - f) Knowledge of the offender(s) identity, possible destination, and previous activities.
 - g) The risk of harm to others from the offender(s) escape.
 - h) Any other factors that bear on weighing the risk of initiating the pursuit against the risk of injury or death to any person from the pursuit greater, than a reasonable need to apprehend the suspect.
3. Prior to engaging any emergency equipment to affect the stopping of a vehicle, the deputy should attempt to note the license plate number and the vehicle description.
4. Deputies initiating a pursuit shall immediately notify Communications that a pursuit is in progress, giving the following information if possible.
 - a) Reason for the pursuit.
 - b) Present location and direction of travel.
 - c) Vehicle speeds involved in the pursuit.
 - d) Description of vehicle and occupants.
 - e) Number of occupants in the offender(s) vehicle.
 - f) Any safety factors that need to be noted.
 - g) If a hostage is involved, this fact, along with a description and the exact location of the hostage inside the vehicle, if known.
 - h) Any additional information requested by the supervisor.
5. The primary deputy is responsible for broadcasting the progress of the pursuit until relieved by an assisting unit; at which time the assisting unit shall assume that responsibility.

6. Deputies shall not become involved in another law enforcement agencies pursuit unless authorized by a supervisor. Deputies that do become involved in a pursuit of this nature will comply with the Jurisdiction procedures section of this manual.
7. If aerial assistance is available, and has joined the pursuit, all units will discontinue high speed pursuit. The responding units will then be utilized to tactically apprehend the offender(s), at the direction of the supervisor, utilizing the aerial support.
8. Slick-top and unmarked units may initiate a pursuit if the unit is marked with a siren and red / blue flashing lights. When a marked unit with a roof mounted light bar joins the pursuit, all slick-top and unmarked units will terminate primary unit responsibilities. Slick-top and unmarked units will not join a pursuit in progress, unless authorized by a supervisor.
9. Deputies with a prisoner(s) or a ride-a-long in their vehicle will not initiate or join a pursuit.
10. When the pursued vehicle is lost or the offender(s) abandon the vehicle and flee on foot, the primary or secondary unit shall broadcast necessary information to assist in a search or return to normal operations. Should the primary deputy become involved in a foot pursuit, the secondary unit or responding supervisor shall be responsible for coordinating the tactics utilized in the apprehension of the offender(s).
11. Under no circumstances will deputies pursue in a school zone.

B. Assisting / Secondary Pursuit Units

Assisting / secondary pursuit units shall:

1. Engage all emergency equipment.
2. Notify Communications of their identity.
3. Assume radio communications responsibility, allowing the primary unit to devote complete attention to pursuit.
4. Deputies will not parallel or caravan a pursuit, however, deputies may proceed into the area of a pursuit in an attempt to gain an advantage and to assist at the termination point of the pursuit. Assisting units may also be utilized in the stopping of the pursued vehicle.
5. No more than two units will become actively involved in a pursuit; unless specifically authorized by a supervisor. Assisting deputies will be alert to the progress of the pursuit and location.
6. Deputies involved in a pursuit will not attempt to pass the primary unit unless instructed to by that unit or the primary unit is unable to continue.

C. Stopping Of Pursued Vehicles

1. Use of Mechanical Tire Deflation System

It is the policy of the Valencia County Sheriff's Department to utilize the issued mechanical tire deflation system as an acceptable method of terminating a pursuit. The decision to deploy this system shall be based on all information that is available to the deputy. The actual deployment of the system will be based upon the authorization of a supervisor and within this policy's guidelines.

2. Deployment of the Mechanical Tire Deployment System

- a) Deployment shall be in accordance with training guidelines and the manufacturer's instructions.
- b) The system shall not be utilized to stop the following vehicles unless the continued movement or the pursued vehicle would result in a serious hazard to others.
 - i. Any vehicle known to be transporting a hazardous material as defined in NMSA 1978 section (66-1-4.8)
 - ii. Any passenger bus, school bus, or van that is known to be transporting passengers.
- c) The mechanical tire deflation system shall not be used in locations where geographic configurations increase the risk of injury to the offender(s) or the public. (i.e., on roadways bounded by steep descending or ascending embankments, on moderate to sharp curves, on bridges, or at any location where the safety of proceeding or opposing traffic conditions cannot be assured.)
 - i. Deployment locations should have adequate sight distances in all directions to enable deputies deploying the system to observe the pursuit and other traffic as it approaches.
 - ii. The secondary unit should notify the deploying unit as to the conditions of the pursuit, which include; speed, offender(s) vehicle condition, driving behavior, and any other pertinent information needed by the deployment unit.
 - iii. The secondary unit should notify the deploying unit as far in advance as possible, to allow sufficient time for safe deployment at a predetermined location.
 - iv. The deployment unit should not attempt to overtake a vehicle being pursued at high speeds in order to position the system for utilization.
 - v. At no time during the deployment of the system will a deputy place himself in the direct path of a pursued vehicle, which would constitute a safety risk for the deputy.
 - vi. It is recommended that deputies utilize the patrol vehicle or other fixed structures or objects as a cover element in the event that a vehicle is pursued may endanger the safety of the deploying deputy.

3. Use of the Pursuit Intervention Technique

The Valencia County Sheriff's Department shall utilize the pursuit intervention technique as an acceptable method of terminating a pursuit. The decision to utilize the tactic shall be based upon the authorization of a supervisor and within these guidelines.

- a) Utilization of the pursuit intervention technique will be in accordance with the Departmental training guidelines. Deputies will be trained and certified in the use of this technique prior to its use.
- b) Authorization to use the technique will be requested by the unit that will be performing the technique, and must be authorized by the supervisor prior to use.
- c) The tactic shall not be utilized to stop the following vehicles unless the continued movement of the pursued vehicle would result in a serious hazard to others.
 - i. Any vehicle known to be transporting a hazardous material as defined in NMSA 1978 section (66-1-4.8)
 - ii. Any passenger bus, school bus, or van that is known to be transporting passengers.
- d) Geographic configurations and road conditions should be considered to reduce the risk of injury to offender(s) or the public. The safety of the motoring public and pedestrians shall be a major consideration.
- e) The primary unit will advise the secondary unit that the P.I.T. is going to be used and to prepare for the high risk stop and containment.
- f) There will be a minimum of one assisting/secondary unit in a position to provide immediate response should a high risk stop be needed.
- g) Should the tactic be successful and the offending vehicle is stopped, high risk stop tactics will be used in all situations.
- h) The maximum speed for this tactic to be used will be thirty five (35) miles per hour.
- i) Other use of force tactics that are considered lower on the use of force model will be considered prior to using the P.I.T.
- j) The use of the pursuit intervention technique is a Deadly Force option, and when Departmental personnel use this tactic they will strictly adhere to the Standard Operating Procedures.

4. Use of Deadly Force

- a) Deadly Force action is a last resort and, when used, a deputy will strictly adhere to Standard Operating Procedures.
- b) Deputies utilizing deadly force in a pursuit situation and in compliance with this section shall direct the use of the force towards the driver of the vehicle. Additional caution should be used when there are other occupants in the vehicle or unwilling participants.

IV. SUPERVISORY RESPONSIBILITIES

- A. Supervisory responsibility will be with the initiating pursuit deputy's on-duty supervisor, or in the event that the on-duty supervisor is unavailable, any on-call supervisor.
- B. Upon being notified of a pursuit, the supervisor shall;
 - 1. Assume management and control of the pursuit from time of notification to the conclusion.
 - 2. Ensure the pursuit is in compliance with the guidelines established in this section.
 - 3. Ascertain if aerial assistance is available and coordinate the tactical apprehension if this support is available.
 - 4. Ensure that all effected public safety agencies are notified.
 - 5. Assist the deputy/ supervisor in charge of the pursuit with any necessary support requested.
 - 6. When warranted, terminate or direct the Communication dispatcher to have deputies terminate the pursuit.
 - 7. When necessary for the protection of the public, call for the establishment of a location to disable the fleeing vehicle by the use of mechanical tire deflation system, or the direct use of deadly force.
 - 8. If a pursuit is terminated by a supervisor, that supervisor will instruct the pursuing deputies to meet at a specified location. The supervisor will obtain all information regarding the pursuit from the deputies involved.
- C. A supervisor will respond to the pursuit termination point and assume responsibility for any law enforcement action taken at the scene. Supervisors shall critique each pursuit action regarding adherence to Departmental Policy. A written report will be completed on all pursuits and a copy forwarded to the Sheriff.
- D. The supervisor involved in a pursuit shall hold a critique session, preferably during briefing, and discuss positive and negative aspects of the pursuit, and utilize this information as a training aide.

V. JURISDICTION ISSUES

- A. When a pursuit leaves Valencia County the deputy will terminate the pursuit if:
 - 1. Directed to do so by a supervisor
 - 2. Requested to do so by the jurisdictional agency
 - 3. When proper communications become a safety issue
- B. When a pursuit by another agency enters Valencia County, the responsible supervisor will determine department involvement or maintenance of the pursuit.
- C. When another public safety agency's pursuit does not meet the standards of this department's policy, active participation will be prohibited. Any type of assistance extended to a public safety agency will be given when formally requested by the agency involved and will be restricted to the following measures:
 - 1. Blocking of intersection(s) to allow un-restricted and safe passage of vehicles involved in the pursuit.
 - 2. Communications support will be utilized to coordinate the movements of the pursuit and facilitate the timely response of assisting units to the areas involved. Containment and preservation of the location where a pursuit is terminated, if it is within the Valencia County service area.
 - 3. Containment and preservation of the location where a pursuit is terminated, if it is within the Valencia County service area.
- D. Every attempt will be made to assist the pursuing agency as resources and safety concerns allow. This assistance must remain within the guidelines of this policy.

VI. DISPATCHER RESPONSIBILITIES

- A. Dispatch will report information from secondary deputy to other deputies responding.
- B. Ensure that the shift supervisor is aware of the pursuit.
- C. Notify surrounding agencies if the pursuit will cross into their jurisdiction.

VII. ROAD BLOCKS

- A. The use of a stationary roadblock shall be authorized only by a sergeant or higher ranking. If a roadblock is utilized the chain of command will be notified. Generally, a roadblock will be employed only as a last resort. The decision to erect a roadblock must consider:

1. the safety of deputies;
2. the risk of physical injury to the occupants of the pursued vehicle;
3. the protection of citizens and their property.

B. Roadblocks must be clearly visible at a distance sufficient to enable approaching vehicles to stop safely. The roadway shall not be completely blocked unless the use of deadly force would be authorized. The deputy in charge of the roadblock shall notify the dispatch of its precise location. All participating deputies must be aware of the roadblock and have acknowledged this awareness before it is constructed. Further, no personnel shall remain in blocked vehicles, and an avenue of escape shall be provided.

